

ESTTA Tracking number: **ESTTA521433**

Filing date: **02/13/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Screaming Eagle Partners, LLC		
Entity	limited liability company	Citizenship	California
Address	P.O. Box 191 Buellton, CA 93427 UNITED STATES		

Attorney information	Rod S. Berman Jeffer Mangels Butler & Mitchell LLP 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 UNITED STATES trademarkdocket@jmbm.com Phone:310-203-8080
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Applicant Information

Application No	85604076	Publication date	01/22/2013
Opposition Filing Date	02/13/2013	Opposition Period Ends	02/21/2013
Applicant	Coastal Wine Merchant 2224 Clay Street San Francisco, CA 94115 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Wines
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2925140	Application Date	11/14/2003
Registration Date	02/08/2005	Foreign Priority Date	NONE
Word Mark	SCREAMING EAGLE		

Design Mark	SCREAMING EAGLE
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1995/09/20 First Use In Commerce: 1995/10/01 Wine

Attachments	78328097#TMSN.jpeg (1 page)(bytes) 0036 Notice of Opposition - SOARING EAGLE - U.S.pdf (4 pages)(35588 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/rod s. berman/
Name	Rod S. Berman
Date	02/13/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SCREAMING EAGLE PARTNERS, LLC, Opposer, v. COASTAL WINE MERCHANT DBA COASTAL INDUSTRIAL PARTNERS, Applicant.	Opposition No.: _____ Application Serial No.: 85/604,076 Mark: SOARING EAGLE Published for Opposition: January 22, 2013 Atty. Ref. No.: 68958-0036
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Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Opposer Screaming Eagle Partners, LLC, a California limited liability company, ("Opposer"), having an address of P.O. Box 191, Buellton, California 93427, believes that it will be damaged by the registration on the Principal Register of the SOARING EAGLE mark ("Applicant's Mark") that is the subject of Federal trademark application Serial No. 85/604,076 ("the Application"), allegedly owned by Coastal Wine Merchant dba Coastal Industrial Partners ("Applicant"), in connection with "Wines" in International Class 33 ("Applicant's Goods") as identified in the Application, and Opposer hereby opposes registration thereof.

As grounds for this Opposition, it is alleged that:

1. Opposer is the owner of record of Registration No. 2,925,140, issued on February 8, 2005, for SCREAMING EAGLE ("Opposer's Mark"), as well as of the goodwill connected therewith. Opposer has been using Opposer's Mark in commerce in connection with wine. Opposer's registration is unrevoked and incontestable.

2. On information and belief, Applicant is a California limited liability company with a business address at 2224 Clay Street, San Francisco, California 94115.

3. On information and belief, Applicant is the owner of record of the Application.

4. As recited in Opposer's registration identified above, Opposer has been using Opposer's Mark in connection with wine since at least as early as 1995.

5. Since long prior to April 20, 2012, the filing date of the Application, Opposer has widely advertised and promoted Opposer's Mark in connection with wine with the result that Opposer's Mark has become well known and associated with Opposer in the United States. Because of these efforts, and by virtue of the excellence and success of the wine offered and provided by Opposer under Opposer's Mark, Opposer has built up a valuable reputation and tremendous goodwill in Opposer's Mark, belonging exclusively to Opposer.

6. Applicant's Mark so resembles Opposer's Mark so as likely to cause confusion, mistake, or deception when used in connection with the Applicant's Goods. Applicant's Mark, therefore, creates a confusingly similar commercial impression. Thus, consumers will likely believe that Applicant's use of Applicant's Mark in connection with Applicant's Goods is in some way associated or connected with, sponsored, authorized, approved or licensed by Opposer.

7. Opposer's Mark is a famous mark as defined by U.S.C.A. §1125(c)(1) and such fame was acquired before April 20, 2012, the filing date of Applicant's application.

8. Applicant's Mark so resembles Opposer's Mark as to be likely, when used in connection with Applicant's Goods, as to cause dilution of Opposer's Mark.

9. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to use of Applicant's Mark in connection with Applicant's Goods. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. § 1063),
Opposer prays that this Opposition be sustained and that Application Serial No. 85/604,076 be
refused.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line.

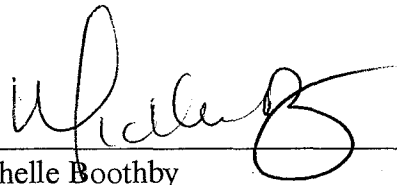
Dated: February 13, 2013

Rod S. Berman
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Los Angeles, CA 90067
(310) 203-8080
E-mail: trademarkdocket@jmbm.com
Attorneys for Opposer Screaming Eagle Partners, LLC

CERTIFICATE OF SERVICE

It is hereby certified that on **February 13, 2013**, a copy of the foregoing NOTICE OF OPPOSITION has been sent by first class mail, postage prepaid to Applicant at the correspondence address of record in the Patent and Trademark Office:

Coastal Wine Merchant
2224 Clay St.
San Francisco, California 94115-1930



Michelle Boothby